

DETAILED ACTION

Specification

The objection to the specification, outlined in the previous Office Action, has been overcome by applicant's amendment. The amendment supplies the appropriate heading.

Claim Objections Withdrawn

The objections to claims 9-11, 19 and 26-28, outlined in the previous Office Action, have been overcome by applicant's amendments and arguments.

112 Rejections Maintained, FIRST PARAGRAPH

The rejection of claims 1-11 and 29-36 under 35 USC 112, first paragraph, outlined in the previous Office, is maintained for reasons of record. Applicant's arguments have been carefully considered, but are not persuasive.

Applicant's arguments hinge upon probabilities and suppositions. As was stated in the previous Office Action, case law makes clear that applicant must teach how to make and use the invention, not merely how to figure out for oneself how to make and use the invention.

112 Rejections Withdrawn, SECOND PARAGRAPH

The rejection of claims 24, 15, 16 and 22 under 35 USC 112, second paragraph, outlined in the previous Office Action, has been overcome by applicant's amendment. With respect to claim 24, the claim text has been clarified as appropriate. With respect to claims 15, 16 and 22, the amendment cancels the claims.

112 Rejections Maintained, SECOND PARAGRAPH

The rejection of claims 12 and 13 under 35 USC 112, second paragraph, outlined in the previous Office Action, is maintained for reasons of record. Applicant's arguments have been carefully considered, but are not persuasive.

Applicant argues that the term "test procedures" is defined in the specification as "including" radioligand binding techniques, signaling assay techniques, etc. The examiner is in agreement that the term "test procedures" encompasses such techniques, however, that is beside the point. The thrust of the rejection is instead directed to the fact that the crucial limitation of claims is the undefined term "test procedures."

The rejection of claim 14 under 35 USC 112, second paragraph, outlined in the previous Office Action, is maintained for reasons of record. Applicant's arguments have been carefully considered, but are not persuasive.

The plain English text of the claim does not say what applicant asserts it says in the Response. The -X-R¹³ groups do not and cannot form a C=S group. This shown by applicant's own diagramed examples in the Response.

The rejection of claims 17-21, 23-28 and 37-39, as being indefinite because they depend from an indefinite claim, is maintained (having been expanded to include claim 24).

102 Rejections Withdrawn

The rejection of claims 14, 18 and 22 under 35 USC 102(b), outlined in the previous Office Action, has been overcome by applicant's amendment. With respect to claim 22, the amendment cancels the claim. With respect to the remaining claims, the amendment narrows the claims such that they no longer read on the cited art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Davis whose telephone number is 571-272-0638. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached at 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian J. Davis/
Primary Examiner, Art Unit 1621
6/7/08